IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

Bail Appl..No. 1584 of 2007()

CC.904/2005 of J.M.F.C.-II,PERINTHALMANNA

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PETITIONER :

PALAZHI MOHAMMED MUSTHAFA, S/O.,SAINU-DHEEN,PALAZHI HOUSE, P.O.KKARUVAMBRAM, MANJERI.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS:

THE STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE MANJERI,THORUGH PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1584 OF 2007

Dated this the 15th day of March, 2007

O R D E R

Petitioner, who is the accused in C.C.No.904/05 on the file of the JFCM-II, Perinthalmanna for an offence punishable under section 138 of the Negotiable Instruments Act, 1881, seeks anticipatory bail. He claims to have been working as Waiter in a hotel in Mumbai. Admittedly, consequent on his non-appearance in the above C.C. case, non-bailable warrants of arrest are pending against him. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within a period of two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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